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**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A7716A

**SPONSOR:** Reyes

**TITLE OF BILL**: An act to amend the general municipal law, in relation

to disabilities of certain retired firefighters caused by cancer

**PURPOSE OR GENERAL IDEA OF BILL**:

To provide retirees of the New York City fire department diagnosed with

certain cancers at a certain time a presumption that the cancer was

incurred in the performance of duties.

**SUMMARY OF PROVISIONS**:

Section 1 establishes that for any paid member of a fire department in a

city of one million or more who has been retired five years or less and

contracts certain conditions of cancer that were not present at the time

of entry, such diagnosis shall be presumptive evidence that the cancer

was performed in the discharge of duty.

Section 2 provides that the New York City Fire Department Pension Fund

shall implement the intent of this section in providing disability

retirement benefits for members that qualify under this bill.

Section 3 establishes an immediate effective date.

**EXISTING LAW**:

Currently members of the New York City fire department will be eligible

for enhanced retirement benefits under this presumption if the disease

is found during the term of service but not after they retire. This is

in contrast to firefighters in the rest of the state who are provided

this benefit both during the term of service and five years into retire-

ment.

**JUSTIFICATION**:

This bill would provide parity for NYC firefighters by providing a five-

year lookback window for retirees who are diagnosed with lymphatic,

digestive, hematological, urinary, neurological, breast, reproductive,

or prostate cancer or melanoma with the same presumption of evidence for

disability benefits as is received by other firefighters around the

state. This bill would apply proactively to firefighters who entered the

department in 2002 and can retire at the earliest at 2022.

The firefighters advocating for this bill say this lookback window is

necessary because these cancers can often take years to metastasize and

a firefighter may not realize they are sick until after they leave

public service. Furthermore, the increased presence of plastics and

other chemical compounds in circulation today drastically increases the

chances of a firefighter in the line of duty contracting one of these

debilitating diseases. It is therefore only fair that we allow these

firefighters the same presumption of evidence in absence of proof to the

contrary as is afforded to ether firefighters around the state.

**FISCAL IMPLICATIONS**:

See bill.

**EFFECTIVE DATE**:

This act would take effect immediately